

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

OCT 15 2018

Clerk, U.S. District and  
Bankruptcy Courts

Dean Himbler Aviles-Rothchild, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Donald Trump *et al.*, )  
 )  
Defendants. )

Civil Action No. 18-2196 (UNA)

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application for leave to proceed *in forma pauperis*. The Court will grant the *in forma pauperis* application and dismiss the case pursuant to 28 U.S.C. §§ 1915(e)(2)(B), 1915A (requiring dismissal of a case upon a determination that the complaint fails to state a claim upon which relief may be granted).

A “complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Plaintiff is being detained at the Metropolitan Detention Center in Los Angeles, California. He sues President Donald Trump and United States Citizenship and Immigration Services for allegedly “aiding and abetting federal protective service officials in violation” of the “attempted first degree murder” provisions of the United States criminal code and the California penal code. Compl. at 1 (citing 18 U.S.C. § 1111 and Cal. Penal Code §§ 188, 190.03).

“The Supreme Court has ‘rarely implied a private right of action under a criminal statute.’” *Lee v. United States Agency for Int’l Dev.*, 859 F.3d 74, 77 (D.C. Cir. 2017) (quoting *Chrysler Corp. v. Brown*, 441 U.S. 281, 316 (1979)). Nothing in the text of the criminal statutes plaintiff cites suggests otherwise. Therefore, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: October 12, 2018

  
United States District Judge